



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/687,790

10/17/2003

Roy E. Hook

WEN 208

9866

2555

7590

06/06/2005

KREMBLAS, FOSTER, PHILLIPS & POLLICK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG, OH 43068

EXAMINER

OKEZIE, ESTHER O

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/687,790 | Applicant(s) HOOK, ROY E. | |
| | Examiner Esther O. Okezie | Art Unit 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

5.0.01

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/13/2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 6-13, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew.
2. Regarding claim 1, Bartholomew discloses a receptacle capable of lifting from a support surface and transporting a row of workpieces positioned on the a surface to another location, the tool comprising:
 - a. an elongated, rigid, workpiece-receiving panel (A) having a length greater than its width, the workpiece-receiving panel having at least one exposed,

longitudinal, open edge (A'), the panel being flat enough and the edge being open and unobstructed enough that the panel is adapted to permit the panel to be slid along the surface and under the workpieces for slidably receiving a row of multiple workpieces;

- b. an end support (a) extending transversely from the panel; and
- c. an elongated, hand-grippable handle (d or B) attached to the end support and extending, in an operable orientation of the tool, above the panel.

3. Regarding claim 2, Bartholomew discloses a workpiece-receiving panel, in an operable orientation of the tool, contoured to have an upwardly concave surface for containing liquid on the panel (A).

4. Regarding claim 3, Bartholomew discloses a panel with longitudinal bends (a) to form concave contour.

5. Regarding claim 4, Bartholomew discloses an end support including a liquid impervious wall (a) extending upwardly from the panel for containing liquid on the panel and preventing spillage from end of the panel.

1. Regarding claim 6, Bartholomew discloses a handle that extends substantially the entire length of the panel (d).

2. Regarding claim 7, Bartholomew discloses a second end support (a) extending also extending, in an operable orientation of the tool, upwardly from the panel, wherein both end supports includes a liquid impervious wall extending upwardly adjacent the panel for containing liquid on the panel and preventing spillage from ends of the panel.

Art Unit: 3654

3. Regarding claim 8, Bartholomew discloses handle (d) extending between and is attached at its opposite ends to the end supports.

4. Regarding claim 9, Bartholomew discloses a workpiece-receiving panel (A), in an operable orientation of the tool, is contoured to have an upwardly concave surface for containing liquid on the panel.

5. Regarding claim 10, Bartholomew discloses a panel with longitudinal bends (a) to form the concave contour.

6. Regarding claim 11, Bartholomew discloses a panel having parallel, laterally opposite, linear edges for engaging the workpiece-supporting surface (figs 1-3).

7. Regarding claim 12, Bartholomew discloses handle (B) is parallel to the panel.

8. Regarding claim 13, Bartholomew discloses the panel, end supports, and handle are formed integrally or joined together (figs 1-3).

9. Regarding claims 18-21, it is noted that although Bartholomew does not include dimensions the receptacle, it would be at least 50% to 80% the width of some grill cooking surfaces or substantially the same width of some grill cooking surfaces.

Consequently, the receptacle would be 50% of the width of a grill cooking surface that is twice the size of the receptacle, 80% of the width of a grill cooking surface that is 20% greater in width than the receptacle, and 100% the width of a grill cooking surface that is the same width of the receptacle.

6. Regarding claim 22, Bartholomew discloses a receptacle capable of lifting from a support surface and transporting a row of workpieces positioned on the a surface to another location, the tool comprising:

Art Unit: 3654

- a. an elongated, rigid, workpiece-receiving panel (A) having a length greater than its width, the workpiece-receiving panel having at least one exposed, longitudinal, unobstructed edge (A'), adapted to permit the panel to be slid along the surface and under the workpieces for slidably receiving a row of multiple workpieces;
- b. an end support (a) extending transversely from the panel; and
- c. an elongated, hand-grippable handle (d or B) attached to the end support and extending, in an operable orientation of the tool, above the panel.

7. Claims 1,5,22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Carrillo.

8. Regarding claim 1, Carrillo discloses a support assembly capable of lifting from a support surface and transporting a row of workpieces positioned on the a surface to another location, the tool comprising:

- d. an elongated, rigid, workpiece-receiving panel (26) having a length greater than its width, the workpiece-receiving panel having at least one exposed, longitudinal, open edge (24), the panel being flat enough and the edge being open and unobstructed enough that the panel is adapted to permit the panel to be slid along the surface and under the workpieces for slidably receiving a row of multiple workpieces;
- e. an end support (30) extending transversely from the panel; and

Art Unit: 3654

- f. an elongated, hand-grippable handle (40) attached to the end support and extending, in an operable orientation of the tool, above the panel.
- 9. Regarding claim 5, the panel has parallel, laterally opposite, linear, open edges (24) adapted to permit either edge of the panel to be slid along the surface and under the workpieces for engaging the workpiece supporting surface.
- 10. Regarding claim 22, Carrillo discloses a support assembly capable of lifting from a support surface and transporting a row of workpieces positioned on the a surface to another location, the tool comprising:
 - d. an elongated, rigid, workpiece-receiving panel (26) having a length greater than its width, the workpiece-receiving panel having at least one exposed, longitudinal, unobstructed edge (24), adapted to permit the panel to be slid along the surface and under the workpieces for slidably receiving a row of multiple workpieces;
 - e. an end support (30) extending transversely from the panel; and
 - f. an elongated, hand-grippable handle (40) attached to the end support and extending, in an operable orientation of the tool, above the panel.
- 11. Regarding claim 23, the panel has laterally opposite, linear, exposed, longitudinal, unobstructed edges (24) adapted to permit either edge of the panel to be slid along the surface and under the workpieces for slidably receiving a row of multiple workpieces.
- 12. Regarding claim 24, the laterally opposite edges (24) are parallel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew.

14. Re claims, 14, 16, and 17, Bartholomew does not disclose the dimensions of the receptacle wherein the panel has a length to width aspect ratio of at least 5:1. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to construct the dust receptacle wherein the panel was narrow enough to pass through doorways, or receive a broomstick and be packed away in a narrow tight space. This would necessitate constructing the receptacle wherein the panel had a length to width aspect ratio of at least 5:1. Constructing the panel not at least a length to width aspect ratio of 5:1 would make the receptacle either too narrow to receive a broomstick or too long to pass through doorways and be stored away.

15. Re claims, 14, 16, and 17, Carrillo does not disclose the dimensions of the bag support assembly wherein the panel has a length to width aspect ratio of at least 5:1. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to construct the bag support assembly wherein the panel was narrow enough to pass through a standard trash bag. This would necessitate constructing the bag

Art Unit: 3654

support assembly wherein the panel had a length to width aspect ratio of at least 5:1.

Constructing the panel not at least a length to width aspect ratio of 5:1 would make the bag support assembly either too narrow or too large to be received within the opening of a bag.

Re claim 15, Carrillo discloses the workpiece-receiving panel, in an operable orientation of the tool, is contoured to have an upwardly concave surface for containing liquid on the panel; and has parallel, laterally opposite, linear edges (24) for engaging the workpiece supporting surface; a second end support also extending transversely from the panel; wherein both end supports including a liquid impervious wall extending upwardly from the panel for containing liquid on the panel and preventing spillage from ends of the panel; handle attached at its opposite ends to the end supports.

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine A Matecki can be reached on (571) 272-6951. The fax phone

Art Unit: 3654

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOO

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600